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6 **BEFORE THE**
7 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. AL 2002-191

12 **ALVIN VICTOR PRASAD**
13 **6217 Orchard Hill Way**
14 **Elk Grove, California 95757**

DEFAULT DECISION AND ORDER

15 **Occupational Therapist License No. OT**
16 **7530**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about July 7, 2011, Complainant Heather Martin, in her official capacity as the
20 Executive Officer of the California Board of Occupational Therapy, Department of Consumer
21 Affairs, filed Petition to Revoke Probation No. AL 2002-191 against Alvin Victor Prasad
22 (Respondent) before the California Board of Occupational Therapy. (Petition to Revoke
23 Probation attached as Exhibit A.)

24 2. On or about April 5, 2004, the California Board of Occupational Therapy (Board)
25 issued Occupational Therapist License No. OT 7530 to Respondent. The Occupational Therapist
26 License was in full force and effect at all times relevant to the charges brought in Petition to
27 Revoke Probation No. AL-2002-191 and expired on July 31, 2011. Pursuant to Business and
28 Professions Code section 2570.30, a lapse in licensure does not deprive the Board of its authority
to institute or continue disciplinary proceedings.

1 3. On or about July 11, 2011, Respondent was served by Certified and First Class Mail
2 copies of the Petition to Revoke Probation No. AL 2002-191, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 4102, is required to be reported and maintained with the Board,
6 which was and is:

7 6217 Orchard Hill Way
8 Elk Grove, California 95757.

9 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
10 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
11 Code section 124.

12 5. As of August 10, 2011, the aforementioned documents have not been returned by the
13 U.S. Postal Service and are presumed to have been received.

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
22 Petition to Revoke Probation No. AL 2002-191.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation
2 No. AL 2002-191, finds that the charges and allegations in Petition to Revoke Probation
3 No. AL 2002-191, are separately and severally, found to be true and correct by clear and
4 convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$892.50 as of August 10, 2011.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Alvin Victor Prasad has
10 subjected his Occupational Therapist License No. OT 7530 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The California Board of Occupational Therapy is authorized to revoke the probation
13 granted to Respondent and reimpose the order of revocation, which had been stayed, against
14 Respondent's Occupational Therapist License based upon Condition No. 13 of Respondent's
15 Probation and the following violations alleged in the Petition to Revoke Probation that are
16 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

17 a. Violation of Probationary Condition No. 2: Failure to file quarterly reports.

18 b. Violation of Probationary Condition No. 11: Failure to cause the therapist to submit
19 quarterly written psychotherapy reports as required.

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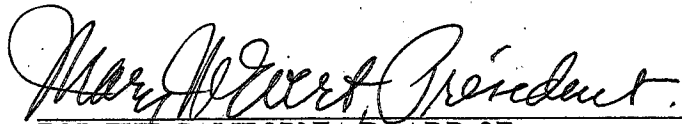
1 ORDER

2 IT IS SO ORDERED that Occupational Therapist License No. OT 7530, heretofore issued
3 to Respondent Alvin Victor Prasad, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on September 23, 2011.

9 It is so ORDERED September 13, 2011

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12 FOR THE CALIFORNIA BOARD OF
13 OCCUPATIONAL THERAPY
14 DEPARTMENT OF CONSUMER AFFAIRS

15
16 default decision LIC.rtf
DOJ Matter ID: SA2011101026

17 Attachment:
18 Exhibit A: Petition to Revoke Probation